

Patent Application Serial No. 09/746,615 -11-
Reply to September 7, 2005 Office Action

Docket No. 1232-4666

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Claim Status

Claims 1-30 are pending in this application, of which claims 1, 7, 9, 13, 14, 18, 22, 23, and 27 are independent in form. Claims 14, 15, and 23 are amended herein to correct minor spelling errors. Claims 8, 28, 29, and 30 are amended herein to more clearly recite the claimed subject matter. Independent claims 1, 7, 9, 13, 14, 18, 22, 23, and 27 are amended herein to require property information for defining an image processing method for processing image data of the image "and for specifying an image output format of the image data." Support for these amendments is found throughout the specification and drawings, as filed, for example at page 32, line 26 – page 33, line 8. No new matter has been added by these amendments.

Claim Rejections - 35 U.S.C. § 103

Claims 1-8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Squilla et al., U.S. Patent No. 5,898,779 ("Squilla") in view of Shiota et al., U.S. Patent No. 6,625,334 ("Shiota"). Claims 9-10, 18-19 and 28 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,623,637 to Jones et al. ("Jones") in view of Squilla and Shiota. Claims 11-12, 20-21 and 25-26 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones in view of Squilla and Shiota, and further in view of Yoshimura et al., U.S. Patent No. 6,131,161 ("Yoshimura"). Claims 13, 22 and 29 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones in view of Squilla, Shiota and Sono, U.S. Patent No. 5,829,044 ("Sono"). Claims 14, 16-17, 23 and 30 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones in view of Squilla and Yoshimura.

954647 v1

Patent Application Serial No. 09/746,615 -12-
Reply to September 7, 2005 Office Action

Docket No. 1232-4666

Claims 15 and 24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones in view of Squilla and Yoshimura, and further in view of Shiota. Claim 27 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones in view Squilla and Shiota. Applicant respectfully disagrees with the characterization of the claims and prior art in the stated rejections and respectfully traverses these rejections.

The Examiner contends that Squilla discloses, *inter alia*, an image processing apparatus "for processing an image in accordance with property information for defining an image processing method for processing image data of the image." September 7, 2005 Office Action at 2. The Examiner further contends that Squilla disclose an "inputting means for inputting ... property information" at col. 5, lines 60-68. September 7, 2005 Office Action at 2.

However, the purported "property information" disclosed by Squilla is quite different from Applicant's claimed "property information." In the cited section, Squilla discloses:

The system may also ask the user via the display 30 to input any additional information (hereafter referred to as photographer's information) that may be included for subsequent authentication along with the image. Examples of photographer's information include the time of the day, exposure settings, the name of the photographer, information about the scene and its content, or any other type of information required by the application.

Squilla, col. 5, lines 60-68.

Squilla further discloses:

In applications where digital images are captured for purposes of establishing a record, such as property and casualty applications in the insurance industry, it is desirable to have a mechanism to authenticate each digital image (so the image can be used as credible evidence at a later date).

Squilla, col. 1, lines 19-24.

Patent Application Serial No. 09/746,615 -13-
Reply to September 7, 2005 Office Action

Docket No. 1232-4666

Squilla's photographer's information consists of notes taken by a photographer that are appended to a photograph and later used to identify the photograph, such that the identification information cannot be altered. However, Squilla's photographer's information does not effect the way the photographed is processed, and further does not affect the way that the image is formatted when output. Thus, Squilla's "photographer's information" is not "property information for defining an image processing method for processing image data of the image and for specifying an image output format of the image data" as claimed by Applicant.

Therefore, Squilla does not disclose or suggest an "inputting means for inputting the image data, key information used for recognizing alteration of the image data, and the property information" nor a "controlling means for controlling an execution of the image processing method in accordance with a judgment by said judging means and the property information" as required by independent claim 1. Independent claims 7, 9, 13, 14, 18, 22, 23, and 27 are believed to define patentable subject matter for similar reasons.

The Examiner further asserts that "Shiota teaches the property information is used for defining a method of processing the image (See Shiota column 5, lines 1-10)." September 7, 2005 Office Action at 14.

Shiota discloses:

Information regarding recording such as a theme title, the date of recording, the name of a photographer, a picture location, and the name of a camera, as well as information regarding later processing such as whether or not the image data should be printed or stored may be included in the recording property information. By including such information in the recording property information, the information may be referred to so that only necessary information will be translocated upon translocation of the image file.

Shiota, col. 4, line 65 – col. 5, line 10.

954647 v1

Patent Application Serial No. 09/746,615 -14-
Reply to September 7, 2005 Office Action

Docket No. 1232-4666

The Examiner also asserts:

Further applicant argues that "the property information designates an image output format by output specification of an image. For example the output specification may includes [sic], among other information, the sheet size, the number of output sheet [sic] and an instruction to not output an image with an inconsistent signature examination." In response, it is noted that applicant's argument does not reflect the claims. The applicant's argument is not found in the claims.

September 7, 2005 Office Action at 14.

Applicant disagrees that Shiota discloses the claimed "property information."

However, in the interest of expediting the prosecution of this application, Applicant has amended the claims to more precisely recite the claimed subject matter by requiring that the property information specifies an output format for image data.

Applicant respectfully submits that the present invention as claimed is neither taught nor suggested by, and therefore is neither anticipated nor rendered obvious in view of, Squilla, Shiota, Yoshimura, Sono, or Jones, taken individually or in combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections applied to claims 1-30 under 35 U.S.C. § 103.

Dependent Claims

Applicant has not independently addressed the rejections of the dependent claims. Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as to why the independent claims from which the dependent claims depend are believed allowable as discussed supra, the dependent claims are also allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary and/or appropriate.

954647 v1

Patent Application Serial No. 09/746,615 -15-
Reply to September 7, 2005 Office Action

Docket No. 1232-4666

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4666.

In the event that an extension of time is required in addition to that requested in the accompanying petition for a one month extension of time, the Commissioner is petitioned to grant such extension of time required to render this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4666.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 4, 2006

By: 

Stephen J. Manetta
Registration No. 40,426

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile